

THREE TESTIFY IN MERGER CASE

Government Officials Begin Investigation of Charges Against Railroads.

TECHNICALITIES PROBED

S. H. BABCOCK, W. S. MCCARTHY AND DAVID ECCLES ON STAND.

Three witnesses were examined yesterday in the hearing at which depositions are being taken in the railroad merger case. The testimony was mostly technical, dealing largely with tariffs on all railroads involved before and after the alleged merger was consummated. Those examined yesterday were W. S. McCarthy, traffic manager of the Salt Lake Hardware company, who was formerly connected with the traffic department of the Union Pacific; S. H. Babcock, manager of the Salt Lake Commercial club, traffic bureau, and David Eccles of Ogden, president of the Sumpter Valley railroad in Oregon.

The case has been in the federal court for some time, and a final settlement may not be had for two years to the written deposition was commenced in Utah nearly two years ago by Hiram E. Booth, United States district attorney, acting under instructions from the department of justice to provide testimony in the case, which is probably one of the principal reasons why the suit was brought in this district of the federal court.

In the complaint the Union Pacific, the Oregon Short Line, the Oregon Railroad & Navigation company, the Salt Lake Route, the Southern Pacific, the Northern Pacific, the Great Northern, the Santa Fe, the Farmers' Loan & Trust company, O. H. Kuhn, E. H. Harriman, W. A. Clark, Jacob Schiff, H. H. Rogers, H. A. Frick, and others are charged with violations of the Sherman anti-trust law.

The depositions in the case are being taken by Sylvester William of Washington, D. C., who was appointed by the department of justice to provide testimony in the case, which is probably one of the principal reasons why the suit was brought in this district of the federal court.

McCarthy first witness. W. S. McCarthy was the first witness called by the government. Mr. McCarthy said that he was formerly contracting freight agent for the Union Pacific. Before the alleged merger, he said, the time on freight between Chicago and Salt Lake was fifty-two hours, now it is 100 hours and forty-five minutes. He admitted, however, that he shipped his freight via the Denver & Rio Grande, a railroad not in the alleged merger, and that the time on that line and its connections was forty-four hours longer than the present schedule via the Union Pacific. S. H. Babcock occupied the witness stand nearly all day. He went into details with reference to tariff schedules on various railroads and connections on land and water, and compared past schedules with present ones. He suggested that a feasible competing route to San Francisco would be over the Salt Lake Route to Daggett, Cal., and from there to San Francisco over the Santa Fe. Letters were shown for the purpose of proving that no through rate over such a route was maintained. If freight was transported over this route the rate would be the sum of the local rates, which would be greater than the present rate to San Francisco over the Southern Pacific. The distance over this route is 1,082 miles, and the distance via the Union Pacific is 823 miles. The time, he said, on cross-examination, he had not taken into consideration. Under the present plan, he said, there was no competition in either freight or passenger business.

Another possible route to San Francisco was via the Oregon Short Line and O. R. & N. to Portland, and from Portland to San Francisco via the O. R. & N. boat line. This route, he said, was used by the Union Pacific at a time when there was an acute dis-

agreement between that line and the Southern Pacific. He said he did not know of his own knowledge that any freight had ever been shipped over this route, but said he understood it as a matter of general knowledge. After he was closely questioned by Judge Lovett, he said that Charles F. Smurr, former traffic manager for the Southern Pacific, had tacitly admitted that the Union Pacific was using this route. Mr. Smurr is now dead.

He said that at one time the Southern Pacific had a competitive rate on Utah wool from Corinne, Utah, to New York via Sacramento and New Orleans, a distance twice as great as the direct route from Corinne to New York over the Union Pacific and connections. He said that the universal rule was that competition expedited service. He said that freight rates were fixed by the Transcontinental Freight association.

David Eccles Testifies. David Eccles, president of the Utah Construction company, the Sumpter Valley railroad, and the owner of extensive lumber interests in Oregon, followed Mr. Babcock. He said the rate on lumber from Portland to Nevada points was 40 cents. From his mill at Hood River he paid an additional 5 cents arbitrary to Portland. Formerly he shipped via the O. R. & N. and the O. S. L. to his market in Nevada, Idaho and Utah points. A year ago he was informed that there was no through rate via the Short Line. The through rate made over the Short Line route, because, he said, he was told, the Southern Pacific wanted the long haul. Mr. Eccles told an interesting story of the rate war between the O. R. & N. and the Shasta route. A summer rate of \$5 between Portland and San Francisco was given on the O. R. & N. steamship lines. This rate included berth and meals, "but the passengers didn't eat much," said Mr. Eccles. To compete with this rate the Shasta route made a rate of \$5, including a tourist berth.

The building of the Utah Pacific road by Mr. Eccles and A. W. McCune was also related by Mr. Eccles. The road was sixty-six miles long, between Milford and Nevada, on the Utah-Nevada line. It was built on a grade originally built by the O. S. L. and steel rolling stock purchased from the O. S. L. was used. An option on the line was given to the O. S. L. After the road had been in operation two years, Mr. Hollenbeck, believed to be representing the Clark interests, approached Mr. Eccles with a proposition to purchase the right of way for the Salt Lake Route. Within a month or two the O. S. L. made use of its option and took over the line. This, he said, was in 1900.

At the conclusion of Mr. Eccles' testimony a recess was taken until 10:30 this morning. There remain only thirty witnesses to be examined in Salt Lake. The attorneys hope to conclude the examination on Thursday. From Salt Lake the examiner and attorney go to Portland to take other depositions.

Piano Lessons. By experienced teacher. Address S 5, Herald.

ROCK SPRINGS NOTES.

(Special Correspondence.) Rock Springs, Wyo., April 27.—Something over half a million pounds of wool was sold last week by the wool growers of this vicinity to eastern buyers. The highest price paid was 25 cents. Besides those already reported, the following sales were made: Chris Judd, 50,000 pounds to Mark Harris, St. Louis, 25c; John Jamieson, 20,000 pounds to Dewey, Gould & Co., at 22c; J. T. Brininger, 25,000 pounds to same, at 20c; Leckie, 20,000 pounds to same, at 23c.

The Linwood Land company has ordered a white steam automobile to be used in carrying land seekers between this city and their lands in the Linwood and Lucerne valleys. Boyer Bros. have sold to Quayle & Peterson of Kemmerer about 6,000 head of sheep at \$5.50 per head, the sheep to be delivered after shearing. John W. Hay has purchased the Osbourne ranch at Green River Lake, and will convert it into a summer resort for hunters and anglers. Green River is in the heart of the big game country, and the streams that feed it abound in trout. It is situated on the most beautiful spots in the Rock mountains, and should prove attractive to lovers of outdoor sport. The roads leading to the lake will be improved so that it will be possible to make the trip by auto comfortably in one day. Mr. Hay proposes to make the lake and lodge for the accommodation of visitors, also stables and probably a garage.

A new four-ton Frayer-Miller freight auto of the Wyoming Auto Transit company has attracted much attention on the streets the last few days. The machine is equipped with a carry-over between Rock Springs and points north. It is expected that the truck will run from here to Finsdale in from eight to ten hours.

News has reached Rock Springs of the death in Cincinnati, O., of Mrs. O. B. Blakesley, wife of Professor Blakesley, until lately superintendent of schools here. Mrs. Blakesley has been in poor health for some time, but it was hoped that the change to a lower altitude would prove beneficial. Her many friends will be pained to learn of her untimely death.

Mrs. Hattie Hale Wingo and Mrs. Alice McDell have had a course in drug store to the Henderson-Maki Drug company, and the stock has been removed to the latter place of business.

Frank R. Crocker has purchased a jewelry business at Grand Junction, Colo., and will shortly leave with his family to the home of T. S. Tallafiero is quarantined.

FOOD FACTS. What an M. D. Learned.

A prominent Georgia physician went through a food experience which he makes public: "It is my own experience that first led me to advocate Grape-Nuts food, and I also know, from having prescribed it to convalescents and other weak patients, that the food is a wonderful restorer and restorer of nerve and brain tissue, as well as muscle. It improves the digestion and sick patients always gain weight and strength and weight very rapidly."

"I was in such a low state that I had to give up my work entirely, and went to the mountains of this state, but two months there did not improve me. In fact, I was not quite as well as when I left home."

"My food did not sustain me and it became plain that I must change. Then I began to use Grape-Nuts food, and in two weeks I could walk a mile without fatigue, and in five weeks returned to my home and practice, taking up hard work again. Since that time I have felt as well and strong as I ever did in my life."

"As a physician who seeks to help all sufferers, I consider it a duty to make this food public."

Trial ten days on Grape-Nuts, when the regular food does not seem to sustain the body, will work miracles.

"There's a Reason. Look in packages for the famous little book, 'The Road to Wellville.' Ever read the above letter? A new one appears from time to time. They are genuine, true and full of human interest."

On account of scarlet fever, two of his children being ill. The Ladies' guild will meet on Thursday afternoon at the home of Mrs. John Hart. Miss Minnie Erbst stopped over last week for a short visit with her brother, William Erbst. Miss Erbst was on her way to the Philippines to engage in missionary work.

Richard Harkey of Cumberland is undergoing treatment at the hospital. John Chaney has gone to his home in Wisconsin on business which will detain him for a few weeks.

Miss Mary Leckie was in town for a few days on the way from Washington, D. C., to the Leckie ranch.

A. V. Carter of Superior is in Cheyenne under the care of an eye specialist.

T. V. Boyer has gone to Chicago on a short business trip.

George and Walter Scriver have returned from an extended trip to California and Mexico.

Mrs. L. D. Gray was hostess to the ladies of the Whist club at their last meeting. Dainty silver soups were served at 5 o'clock. Mrs. C. H. Durham and Mrs. J. H. Young were guests of the club.

News has reached Rock Springs of the marriage in Ely, Nev., of Miss Jessie Anna Baird to William Michael Padden. The young couple will reside in Ely. The bride is a daughter of John Baird of this city, and has many friends here who wish her much happiness.

Mrs. R. S. Stringfellow has returned from a three weeks' visit with friends in Salt Lake.

George and "Baldy" Lovett were in town recently from New York. They reported little loss of live stock in East Fork valley the past winter, but said that most of the ranchers have fed all their hay and the stock is now on the range.

Born, to Mr. and Mrs. Sam Helm, on April 24, a daughter.

Miss Flora Helm has returned from a visit with her sister at Montpelier, Ida.

Miss Maude McCoy of Rawlins was a recent visitor in town.

The home of H. Van Deusen is quarantined on account of scarlet fever, as is also the home of Superintendent Gibson at Bladworth.

Mr. and Mrs. Herman Nelson are rejoicing over the arrival of a son at their home.

Mrs. D. A. Reavill is visiting in Denver.

Miss Rose Facinelli has as her guest Miss Mary Snodgrass of Diamondville.

Miss Nellie Leahy of Minneapolis was the guest of Miss Agnes Haddon last week.

The friends of Mr. and Mrs. George Peterson are congratulating them on the arrival of a daughter at their home.

Charles E. Warren, Jr., has returned from Boise, Ida., and has accepted a situation in the Miner office.

The members of the Searchlight club will enjoy their annual banquet at the Commercial hotel on Friday evening.

KELLY HELD IN \$1,000 BAIL. Has His Preliminary Hearing Before Justice Noon at Provo.

Other Happenings. Provo, April 25.—The preliminary hearing of Ernest Augustus Kelly, charged with the killing of Samuel Waycaster at American Fork on April 4 of this year, was held today, before Justice Noon. There was no new evidence brought to the attention of the court.

Witnesses were introduced to show that the deceased came to his death from a revolver shot, and Sheriff Judge Kelly told him he took the pistol of the deceased away from him, after the deceased had fired three shots at him, and that in the scuffle the pistol was charged with fatal results to Waycaster. Defendant was held in \$1,000 bail on the charge of voluntary manslaughter.

The funeral services over the remains of William J. Harris will be held here Thursday at the Sixth ward meeting house commencing at 2 o'clock. Three of the sons of the deceased, William, Hyrum and Frank, are on their way to attend the funeral services, which will be held at the home of the deceased, from Nevada, and Hyrum and Frank from Texas.

In the estate and guardianship of Lewis E. McBride et al., minors, an error in inventory of estate was ordered, viz., fixing the interest of the minors as an undivided one-half of said estate.

Sarah Ellen Morton et al. vs. Utah Fuel company, judgment by compromise for \$200 and costs.

The additional jurors were drawn, the venire returnable tomorrow at 10 o'clock. Alfred Reese and Nephil Hanson, Spanish Fork, are charged with the killing of Carl Dall and Thomas Binks, Springfield; William H. Allen, Goshen; Samuel Wagstaff, American Fork; William J. Butt, Lehi; Karl J. Thompson, Provo.

The fast and reckless driving in this city, as a result of which William J. Harris was killed, may be stopped, although the officers find it difficult on account of the few officers between here and the city limits.

Officer Walker Co. arrested three men Sunday for fast driving. They will have a hearing before Justice Noon. Two of these arrested are juveniles.

A marriage license has been issued to George H. Trinaman of Lehi and Sarah E. Thornton of American Fork.

ATTEND. The Street Car Men's Ball Wednesday evening, April 28, at the Odéon.

DAVIS COUNTY'S GROWTH. Assessed Valuation for 1909 Shows an Increase of \$27,000 Over 1908.

Kaysville, April 27.—The assessed valuation of Davis county property has increased since last year by \$27,000. The valuation for 1909 is \$5,623,290. Of this amount \$851,000 is in personal property, an increase of \$58,400 over 1908. The real estate assessed amounts to \$4,772,290, with a valuation of \$2,374,920. The improvements are valued at \$2,397,370. Horses to the number of 2,350 head are assessed at \$206,220. Cattle, 6,219 head, valued at \$122,975, an increase of 700 head and \$8,000 in value. There were assessed 1,688 sheep, valued at \$15,960; 720 swine, valued at \$4,775; 261 stands of bees, valued at \$33.

Merchandise is valued at \$144,440; machinery, \$79,265; other personal property, \$53,290; this latter item being an increase of \$7,000 over 1908.

A telegram was received from John W. Fairmond, dated at St. Anthony, Ida., yesterday, announcing the death there yesterday morning of James Fairmond, for many years a resident of Kaysville. No particulars were given, further than that the funeral would be held there. The deceased was a brother of John W. E. Barton of Kaysville, and was a native of England. He was about 60 years of age. His wife died in Kaysville several years ago.

EPHRAIM NEWS NOTES. Ephraim, April 27.—The little child of Mr. and Mrs. Philip Mason of Aurora died this morning from whooping cough, which is an epidemic among the children of that place. The little one had only been in the hospital a couple of days. The arrangements for the funeral have not yet been completed.

Mr. and Mrs. Frank Draper of Chester were called on yesterday to part with their little son, who died from appendicitis after an illness of several weeks. The funeral services will be held at the Chester meeting house tomorrow afternoon.

A son of Mr. and Mrs. James Aret of Spring City had his arm fractured and badly bruised while playing ball. Although the injuries are very painful they are not serious.

The Gunnison American club is arranging to give one of the biggest celebrations at the meeting of the various clubs of Sanpete, Sevier and Piute counties. The convention had been planned for the 28th, but later the plans were changed and it was decided to celebrate on the 7th. A number of committees have been appointed and the visitors will be royally entertained.

Seventy-five of the young men of Fairview have formed an athletic association at that place, and it is expected that they will arrange to have some good ball games there during the summer. Two teams have been organized and they are planning of forming a county baseball league.

Ogden News

Office—410 Twenty-fifth Street. Circulation Department, 266 Twenty-fifth Street.

Ogden, Wednesday, April 28.

OPTION ON STATE JOURNAL

Paper Likely to Go to A. R. Bowman of the Wasatch Printing Company.

The Utah State Journal will change hands May 11. An option running to that date was given by the Journal Publishing company yesterday. The consideration was not made public. The prospective purchaser is A. R. Bowman, who is now associated with the Wasatch Printing company of Ogden. With Mr. Bowman it is understood, will be associated his brother. The Bowman brothers are not in a position to announce their policy, but it was reported on the street that the Journal was to be made a morning Denver paper. William F. Snyder and Bismarck Snyder of Salt Lake City, were in Ogden yesterday and the evening before on business connected with this transfer. It is an open secret here that Willard F. Snyder is practically the sole owner of the Journal. As a daily paper, the State Journal has been for years ago by Frank J. Cannon. Then it was a straight-out Democratic paper, and the State Journal was the only paper of the state took stock in it. After Willard F. Snyder purchased the control of the paper, Frank J. Cannon dropped out, and the State Journal has been more or less independent in politics.

BOY LEFT IN OGDEN.

Pocatello Mother Goes on to Salt Lake Alone.

The local police are investigating what on the surface appears to be a case of desertion. Mrs. Charles Ford and her son, Leroy, a boy of 3 years, arrived in Ogden yesterday from Pocatello on their way to Salt Lake City to visit. Here they became separated and some hours later the boy was found at the Rio Grande Hotel. He was taken to the police station, where he was held until his mother was located. No word was received from him, and no report of the loss of the child was made to the police. The boy was taken to the police station and kept there during the night, pending an investigation. He says his mother went on to Salt Lake.

Fruit Growers' Organization.

The Utah Fruit Growers' association completed its organization at a meeting in this city Monday afternoon at which Moroni Mortensen was made chairman of the organization, and J. M. Forristall secretary. These officers, with C. F. Stillman, president of the Utah Fruit Growers' association, and R. S. Rasmussen of Wellspring, will constitute the executive committee. Representatives were present at the meeting from the various fruit growers' organizations of the state.

Licenses to Marry.

Licenses to marry were issued yesterday at the office of the county clerk to Adolph E. Carver and Adella C. Moyes, both of Plain City, Orman, Ewing of Salt Lake City, and Leroy E. Carver of Ogden, and Cary Bettilyon and Sarah E. Stewart, both of Salt Lake City. The last-named couple were married by Deputy County Clerk John V. Bluth at the court house.

Burial of Mrs. Ballantyne.

Funeral services for Mrs. John T. Ballantyne were held at the Riverside meeting house at 2 o'clock yesterday afternoon, and were largely attended. The services were over by Elder A. Bingham, and other speakers were G. W. Larkin, C. F. Middleton and Joseph C. Larkin. The grave in the Riverside cemetery was dedicated by Orson C. Brown.

Sued for Divorce.

Alta Snyder filed suit in district court yesterday asking for divorce from Romeo N. Snyder. The complaint sets forth that the couple were married in Salt Lake City, Aug. 2, 1896; that there are two minor children, John and Alta Snyder, who have deserted his family and failed to provide for them.

Ogden Briefs.

H. C. McCreery, postmaster at Holly, Colo., and father of Rev. G. W. McCreery, is visiting his relatives in Ogden.

N. A. Heath, Jr., a prominent business man of Cleveland, Ohio, is visiting his father and brother in Ogden, where he has real estate interests.

Raymond A. Huff, the thirteen-year-old son of Mr. and Mrs. Alexander Huff, died at the family home in Ogden Monday night as the result of brain trouble.

Chief of Police T. E. Browning has issued an order to all keepers of restaurants and cafes to remove all screens, curtains and other obstructions from their places of business.

John J. A. Howell went to Farmington yesterday to hold a term of court. He was accompanied by C. R. Hollingsworth, who is interested in a number of Davis county cases.

A. J. Brown of Minneapolis, Minn., is in Ogden to look after the erection of the large grain elevator for W. O. Kay of this city, and Mr. and Mrs. Ewing departed on a short wedding tour. On their return they will make their home in Salt Lake City.

A warm rain set in yesterday evening and continued until a late hour in the night. Pears are entertained from high water, as there is an unusual amount of snow still in the hills. The Ogden and Weber rivers were very high before the rain set in.

The City Improvement league, which was to have met last night, postponed its meeting until Thursday evening. At that time there will be a meeting of the directors, the members of the league and any interested citizens. A special program will be given.

C. E. Hanks, a brakeman on O. S. L. train 18, caught his left foot in a frog at Brigham City last night. The member was badly crushed. He was brought to Ogden at 10:30 and taken to the Ogden hospital for treatment. The worst cases yield to treatment in a short time. All druggists, 50c.

If you prefer to use an atomizer, ask for Liquid Cream Balm. It has all the good qualities of the solid form of this remedy and will rid you of catarrh or hay fever. No cocaine to breed a dreadful habit. No mercury to dry out the secretion. Price 75c, with spraying tube. All druggists, or mailed by Ely Bros., 56 Warren street, New York.

William Palmer, a butcher of this city, met with a serious accident this morning. He was riding on the Heber train from the depot to Center street and jumped from the train. His heels caught in the steps and he was dragged some distance striking and cutting his face, which will be badly disfigured. Dr. Hosmer was called to attend the patient and it is not believed his injuries will prove to be more serious than above stated.

Marriage licenses have been issued to the following couples: W. J. Wood of Portland, Oregon, and Mary E. Kimber of Provo; Gilbert Lynn Haws and Evaline Muir, both of Provo.

Suit has been commenced by John F. Christensen against Emil Hurler to collect \$2,612.50 on a promissory note; \$250 is asked for an attorney's fee.

E. T. Jones, formerly county recorder, has bought out the abstract business of Favercamp & Co. Mr. Jones' wide experience as county clerk and abstractor makes him well qualified to make a big success of the abstract business.

The damages suit of Nephil Howe versus Charles Carlson is now being tried in the Fourth District court. Plaintiff lives in Pleasant Grove precinct. He charges defendant with assaulting and beating him on the head and face on July 2, 1908, and that he suffered severe injuries from said assault. Plaintiff asks for \$3,000 actual damages and \$3,000 exemplary damages. Defendant denies that he assaulted plaintiff and alleges that plaintiff assaulted him and that he used only such force as was necessary to repel the assault of plaintiff.

A private safe may be rented in the fire and burglar proof vault of the Salt Lake Security & Trust Co., 32 up Main street, \$2.00 per year and upwards.

\$30 Cala. Round Trip \$30. Via the Salt Lake Route. Good on Los Angeles Limited. Ask for rates, dates and limits at office, 163 South Main street.

WALKER BROTHERS BANKERS. (Incorporated) Established 1853. CAPITAL, \$250,000. SURPLUS, \$100,000. Absorbed the Salt Lake City Branch of Wells, Fargo & Co.'s Bank.

Safety Deposit Boxes for Rent. Travelers Letters of Credit Issued. Available in All Parts of the World. We invite your account.

ESTABLISHED 1889. UTAH COMMERCIAL & SAVINGS BANK. Wm. F. Armstrong, President.

COMMERCIAL BANKING IN ALL ITS BRANCHES. Four per cent interest on savings deposits. Accounts solicited. Satisfactory service guaranteed.

The State Bank OF UTAH Salt Lake City. Established 1890. Surplus and Undivided Profits, \$229,000. All facilities for general banking. Accounts solicited. Correspondence invited.

NATIONAL BANK OF THE REPUBLIC U. S. DEPOSITORY. FRANK KNOX, President. JAMES A. MURRAY, Vice President. W. F. EARLE, Cashier. E. A. CULBERTSON, Asst. Cashier.

A thoroughly modern savings department conducted in connection with this bank. Safety deposit boxes for rent.



If Hewlett's Teas have more strength and quality than any other brand, would they not be cheaper to use?

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